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HEALTH AND SAFETY CODE - HSC

DIVISION 10.5. ALCOHOL AND DRUG PROGRAMS [11750 - 11755] (*Heading of Division 10.5 amended by Stats. 2013, Ch. 22, Sec. 18.)*

PART 1. CREATION OF DUTIES [11750 - 11759.5] (*Heading of Part 1 amended by Stats. 1984, Ch. 1328, Sec. 1.)*

CHAPTER 2.5. Fatal Drug Overdose Information [11758 - 11758.05] (*Chapter 2.5 added by Stats. 2002, Ch. 678, Sec. 3.)*

11758. The definitions contained in this chapter shall govern the construction of this chapter, unless the context requires otherwise.
(*Amended by Stats. 2004, Ch. 183, Sec. 194. Effective January 1, 2005.*)

11758.02. It is the intent of the Legislature that the overdose information gathered pursuant to this chapter shall be used for the purpose of making decisions regarding the allocation of public health and educational resources to communities adversely impacted by the use of drugs that lead to overdoses.
(*Added by Stats. 2023, Ch. 859, Sec. 1. (SB 67) Effective January 1, 2024.*)

11758.03. For purposes of this chapter, the following terms have the following meanings:

(a) "Coroner" means a person whose responsibilities include those described in Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code.

(b) "Department" means the State Department of Public Health.

(c) "Medical examiner" means a person who exercises the powers and performs the duties of a coroner, as provided for in Section 24010 of the Government Code.

(d) "Overdose" means a condition, including extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, resulting from the consumption or use of any controlled dangerous substance that requires medical attention, assistance, or treatment, and clinical suspicion for drug overdose, including respiratory depression, unconsciousness, or altered mental state, without other conditions to explain the clinical condition.

(*Amended by Stats. 2023, Ch. 859, Sec. 2. (SB 67) Effective January 1, 2024.*)

11758.04. (a) A coroner or medical examiner who evaluates an individual who died, in the coroner or medical examiner's expert opinion, as the result of an overdose as a contributing factor, shall report the incident to the Overdose Detection Mapping Application Program managed by the Washington/Baltimore High Intensity Drug Trafficking Area program.

(b) The coroner or medical examiner shall make the report as soon as possible, but not later than 120 hours after examining the individual. If the cause of death is still preliminary and pending toxicology screens, the coroner or medical examiner shall report the overdose as a preliminary report, and shall update the report when the cause of death is confirmed.

(c) Overdose information reported to the Overdose Detection Mapping Application Program by a coroner or medical examiner, or shared with the Overdose Detection Mapping Application Program by the Emergency Medical Services Authority, shall not be used for a criminal investigation or prosecution.

(d) A person who in good faith makes a report under this section shall be immune from civil or criminal liability for making the report.

(*Added by Stats. 2023, Ch. 859, Sec. 3. (SB 67) Effective January 1, 2024.*)

11758.05. (a) The department shall use best efforts to utilize all of its relevant data regarding overdoses in the state to monitor and identify current trends of fentanyl-related deaths of children zero to five years of age, inclusive.

(b) The department shall develop guidance and spread awareness of the trends to protect and prevent children from fentanyl exposure.

(c) On or before January 1, 2026 the department shall annually distribute its findings and guidance to local health departments, county boards of supervisors, and the Legislature.

(d) A local health department or county board of supervisors may, but is not required to, adhere to guidance distributed by the department pursuant to this section.

(e) A report to be submitted to the Legislature pursuant to subdivision (c) shall be submitted in compliance with Section 9795 of the Government Code.

(f) Notwithstanding Section 10231.5 of the Government Code, this section shall remain in effect until January 1, 2029, and as of that date is repealed.

(Added by Stats. 2024, Ch. 867, Sec. 1. (SB 908) Effective January 1, 2025. Repealed as of January 1, 2029, by its own provisions.)